

Kentucky Department for Environmental Protection



Strategic Operational Plan for State Fiscal Year 2011

Kentucky Energy and Environment Cabinet

July 2010



Department for Environmental Protection

Mission

Protect and enhance Kentucky's environment to improve the quality of life for all Kentuckians.

Vision

The Department for Environmental Protection envisions a healthy and productive commonwealth with balanced stewardship of the land, air and water where future generations enjoy an environment as good as or better than the present.

Principles

- **The department will make sound decisions that earn the public's trust.** The decisions made by the department will be prudent, defensible and consistent with the department's mission and in the best interest of the citizens of the commonwealth.
- **The department will focus on environmental results rather than programs or procedures.** The success of environmental programs will be measured in terms of achieving desirable environmental benefits, not in the number of staff or the size of budgets. We will evaluate programs and procedures in relation to their contribution to the mission.
- **The department will use good scientific information to aid in its decision making.** The foundation on which environmental protection programs are constructed is an understanding of the causes and effects resulting from actions that impact the environment. Scientific information is critical to the assessment and evaluation of existing environmental conditions and the determination of the effectiveness of our programs. We will employ generally accepted and applicable scientific methods and processes to accomplish our mission.
- **The department will consider the range of environmental benefits and consequences of proposed actions before making final decisions.** Good public policy encourages government agencies to promote actions that maximize benefits to society while minimizing adverse effects. While individual statutes, regulations, programs and organizational units may have a narrow focus, we will always consider the benefits and consequences of our actions to the environment as a whole.
- **The department will evaluate its performance using meaningful criteria.** We will require accountability from our managers, supervisors and staff in the continuing evaluation of program performance. We will gauge effectiveness based on actual program results.

Department for Environmental Protection

Message from the Commissioner



R. Bruce Scott, P.E.

The Department for Environmental Protection is pleased to present its Strategic Operational Plan for Fiscal Year 2011 (SFY2011).

As with previous agency operational plans, this document outlines the environmental strategies and measures that the department will use to achieve its goals and objectives for this fiscal year. This plan is designed to provide the citizens of Kentucky with a healthy and safe environment consistent with the department's mission of protecting and enhancing Kentucky's environment. The state's air, land and water resources are cleaner than anytime in the Commonwealth's recent history as a result of the programs administered by the agency.

However, as is the case with other areas of government and the private sector, the department continues to face significant budget reduction challenges requiring creative solutions to provide delivery of core agency services. FY2011 and FY2012 will be no exception as significant additional general fund reductions will be realized. Consequently, the department's ability to achieve the goals and objectives outlined in this plan are especially challenging in this biennium. It is a challenge, however, that the agency is prepared to meet.

An area that is particularly challenging in the context of this strategic operational plan is the department's ability to address the unprecedented regulatory and policy activities being initiated at the federal level. Federal regulatory and policy initiatives addressing greenhouse gases, carbon management, energy production, coal mining, water quality protection, and much more, directly or indirectly affect virtually every facet of the Kentucky economy and environment. Our plan reflects these new federal initiatives given the substantial allocation of agency resources that these activities demand. It is essential that Kentucky be prepared to appropriately respond to the shifting regulatory and political landscape in these vital areas affecting the Commonwealth.

The department has accomplished much in recent years. Our air has progressively gotten cleaner over the past several years. The number of contaminated land sources has decreased each year. The quality of our drinking water is among the nation's best and the number of citizens being served by water and sewer is greater than at anytime in our history. Yet, we still face enormous challenges in all of these areas. Challenges in many cases that require yet to be determined creative solutions.

This plan is just one step toward addressing those challenges. The agency realizes that it cannot accomplish these tasks alone. It will require the help, involvement, and partnership of our federal, state, local, private and citizen leaders. As our state motto states, "United We Stand, Divided We Fall". This "together we can" approach to solving today's issues is essential if Kentucky is to continue to move forward and be among the nation's leaders.

We hope that you find the SFY2011 Strategic Operational Plan to be useful and informative as we work together toward protecting and enhancing Kentucky's environment to improve the quality of life for all Kentuckians.

Department for Environmental Protection

CONTENTS

Goal 1 Clean Air	6
Objective 1 – Eliminate DAQ Permit Backlog	7
Objective 2 – Protect and Enhance Kentucky’s Air Quality	7
 Goal 2 Clean and Safe Water.....	 13
Objective 1 – Protect, Manage And Restore Water Resources	14
Objective 2 –Conduct Effective Water Resource Planning	14
Objective 3 – Meet Federal and State Program Requirements	16
Objective 4 – Promote Better Management and Communication of Data	18
 Goal 3 Waste Management and Land Restoration	 21
Objective 1 – Reduce\Eliminate DWM Permit and Data Entry Backlogs	22
Objective 2 – Protect Human Health and Enhance Kentucky’s Land Resources	22
 Goal 4 Environmental Compliance	 26
Objective 1 – Facilitate the Return of Regulated Entities to Compliance	27
Objective 2 – Issue and Track Compliance with Letters of Warning and Notices of Violation	29
 Goal 5 Compliance Assistance and Environmental Stewardship	 30
Objective 1 – Certify Qualified Environmental Professionals	31
Objective 2 – Revitalize Kentucky’s Communities	31
Objective 3 – Help Entities Achieve Environmental Compliance	32
Objective 4 – Encourage Environmental Excellence.....	33
 Goal 6 Environmental Program Support.....	 34
Commissioner’s Office (CO):	
Objective 1 – Provide Adequate Training	35
Objective 2 – Support and Coordinate Ongoing Programmatic Activities.....	35
Objective 3 – Develop an Effective Strategic Planning Process	36

Department for Environmental Protection

Division of Environmental Program Support (DEPS):

Objective 1 – Recruit and Retain Qualified Employees	36
Objective 2 – Provide Support for DEP IT-Based Systems	37
Objective 3 – Support and Coordinate Ongoing Programmatic Activities.....	38
Objective 4 – Provide Accurate and Defensible Chemical Analytical Services	39

Appendices

Department Organizational Chart	42
Department Addresses	43

Department for Environmental Protection

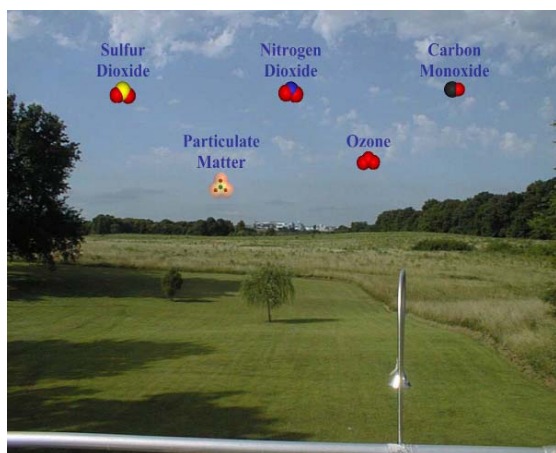
Goal 1



Clean Air

Protect human health and the environment by achieving and maintaining acceptable air quality.

Implementing and maintaining programs to achieve federal and state air quality standards in the Commonwealth of Kentucky is important to the health and wellness of all citizens across the state. The amount of air pollution released into the air by industry and transportation sources is monitored using a comprehensive program involving air quality monitoring, planning, construction and operation permitting and inspections.



Kentucky currently operates an air quality monitoring network composed of 140 monitors located in 29 counties. Air monitoring stations are selected using U.S. EPA guidance and are generally established near populous areas or pollutant sources. Station locations are reviewed annually to ensure adequate air quality monitoring coverage. Data from the network is used to demonstrate compliance with ambient air quality standards and identify pollution trends. This information is also used to provide pollutant levels for daily air quality index reporting and detect elevated pollutant levels for activation of emergency control procedures.

Creating effective partnerships with air pollution sources and the public enables the department to carry out its goal of protecting human health and the environment by achieving and maintaining acceptable air quality for all Kentuckians.

Department for Environmental Protection

Objective 1 - Eliminate DAQ permit backlog.

Tactic 1.1: Continue execution of the backlog reduction plan originally implemented on July 15, 2006.

Measures: The total number of permits pending.
The total number of permits pending that exceed regulatory timeframes.
The percentage of permit reviews completed within regulatory timeframes.
The percentage of permit reviews completed that exceed regulatory timeframe.

Baseline: The July 1, 2010 DAQ permit backlog.

Action 1.1.1: Obtain a zero backlog on all remaining applications beyond regulatory time frames by June 30, 2010.

Action 1.1.2: Continue utilization of TEMPO reporting to accurately track and report on measures.

Action 1.1.3: Continue to evaluate and implement streamlining opportunities to address process and institutional inefficiencies.

Action 1.1.4: Ensure that all permits are issued within regulatory time frames.

Action 1.1.5: Continue recruitment, program orientation and training to enhance retention of qualified staff.

Objective 2 - Protect and enhance Kentucky's air quality.

Tactic 2.1: Continue implementation of the air toxics program to evaluate and address any risks to public health associated with hazardous and toxic air pollutant emissions.

Measures: The total number of air toxics assessments reviewed and/or performed.
The total number of hazardous air pollutant related complaint investigations.
The total tons of hazardous air pollutants reduced.

Baseline: Kentucky Emissions Inventory and the Federal Toxics Release Inventory (TRI) for calendar year 2009.

Action 2.1.1: Update the air toxics webpage to include data and parameters needed for modeling analysis by August 31, 2010.

Action 2.1.2: Develop specific work plans for each investigation pursued and document results in accordance with standard departmental protocols.

Action 2.1.3: Review and approve as appropriate, the University of Louisville's FY11 work plan for the West Jefferson County Air Toxics program, ensuring that it complements the state air toxics program.

Action 2.1.4: Finalize and release the updated risk assessment for the Calvert City project by December 31, 2010.

Action 2.1.5: Conduct short-term, special risk-based studies as necessary to address areas of concern indentified due to the presence of air toxics.

Department for Environmental Protection

Action 2.1.6: Complete statistical analysis on all available data from all air toxics monitors by June 30, 2011.

Action 2.1.7: Reconfigure the ambient monitoring network to address trends-based air toxics studies as necessary, pursuant to the formal annual network review process in 40 CFR 58.10.

Tactic 2.2: Continue to implement measures contained in the June 2008 annual PM_{2.5} (15 ug/m³ averaged over a calendar 3-year period) attainment demonstration State Implementation Plan (SIP).

Measure: The number of counties remaining in non-attainment

Baseline: As of the end of 2009, all counties in Kentucky and contiguous surrounding states meet the current annual PM_{2.5} standard based on the 3-year average for the 2007-2009 period.

Action 2.2.1: Continue implementation of federal and state emission reduction strategies or programs to attain the fine particulate standard.

Action 2.2.2: Continue to administer SIP-approved programs implemented as part of historic control strategies designed to reduce emissions in areas with previous air quality problems.

Action 2.2.3: Develop redesignation requests in conjunction with surrounding states which share nonattainment areas with Kentucky.

Action 2.2.4: Work with U.S. EPA to develop the above mentioned redesignation requests in lieu of the uncertainties surrounding the Clean Air Interstate Rule (CAIR) and its replacement.

Tactic 2.3: Develop recommendations to U.S. EPA for areas of Kentucky that do not meet the new 2010 8-hour ozone standard. Continue implementation of federal programs and requirements contained in the 1997 8-hour ozone attainment demonstration SIP, submitted to the U.S. EPA in December 2007.

Measure: The number of counties that are designated nonattainment based on the level at which U.S. EPA sets the 8-hour ozone standard August 31, 2010.

Baseline: The number of counties designated nonattainment for the 2010 8-hour ozone standard, which is dependent upon the level at which U.S. EPA sets the standard on August 31, 2010.

Action 2.3.1: Continue to administer SIP-approved programs implemented as part of historic control strategies designed to reduce emissions in areas with previous air quality problems.

Action 2.3.2: Continue to participate in regional modeling initiatives conducted by VISTAS and designed to provide information on 8-hour ozone control strategies.

Department for Environmental Protection

Action 2.3.3: Work with U.S. EPA to implement programs that are designed to address the new standard as contained in the new 8-hour ozone implementation rule.

Action 2.3.4: Conduct outreach and education during the winter/spring of 2011 in those communities expected to be impacted by a non-attainment designation.

Action 2.3.5: Begin development of required control strategy SIP as specified by the Clean Air Act according to the classification of each nonattainment area.

Action 2.3.6: Begin the development of the framework for an attainment demonstration for the 2010 8-hour ozone standard.

Tactic 2.4: Continue implementation of federal programs and requirements contained in the December 2007 Regional Haze SIP.

Measure: Improved visibility at Class I areas, including Mammoth Cave National Park, by EPA specified levels at interim deadlines and work toward long-range 2064 background visibility goals.

Baseline: 2000-2004 visibility levels.

Action 2.4.1: Continue to actively participate in regional modeling initiatives conducted by VISTAS to determine control strategies necessary to meet the federal visibility improvement requirements. Through continued participation with VISTAS, submit to EPA by December 2012 the initial five-year progress report on reasonable progress goals towards achieving natural visibility conditions for applicable Class I areas.

Action 2.4.2: Continue to participate in the Southeast Diesel Collaborative, specifically by dispersing grant money awarded to Kentucky for FY2010-2011 through the Diesel Emissions Reduction Act.

Tactic 2.5: Submit recommendations to U.S. EPA by June, 2011, for any areas of the state that are violating the 2010 SO₂ standard which will be finalized June, 2010.

Measure: Number of counties in non-attainment.

Baseline: 3-year average for the 2008-2010 period.

Action 2.5.1: Conduct outreach and education during the fall/winter of 2011 in those communities expected to be impacted by a non-attainment designation.

Action 2.5.2: Begin development of required control strategy SIP as specified by the Clean Air Act according to the classification of each nonattainment area.

Action 2.5.3: Begin the development of the framework for an attainment demonstration for the 2010 SO₂ standard.

Department for Environmental Protection

Tactic 2.6: Determine mercury deposition and impacts resulting from emissions of mercury by Kentucky sources.

Action 2.6.1: Continue operation of the air monitoring network to determine ambient mercury levels.

Action 2.6.2: Continue operation of the mercury wet deposition network.

Action 2.6.3: Require mercury control and monitoring on all new electric generating units (EGUs).

Action 2.6.4: Require EGUs to verify mercury emissions on their 2010 surveys.

Tactic 2.7: Track U.S. EPA's development and implementation of the Greenhouse Gas Tailoring Rule and determine what requirements are applicable to Kentucky.

Measure: Tons of greenhouse gas emissions from emitted from various Kentucky sectors.

Baseline: Calendar year 2010 emissions inventory.

Action 2.7.1: Incorporate regulation into existing department regulations.

Action 2.7.2: Identify sectors emitting GHGs submit to the rule.

Action 2.7.3: Solicit permit applications for sources required by the rule.

Tactic 2.8: Operate an extensive, statewide ambient air monitoring network in order to ascertain the status of Kentucky's ambient air quality.

Measures: Number of air monitors in network based on population estimates.

Number of locations selected to represent population exposure.

Number of locations selected to represent background concentration levels.

Number of locations selected to represent regional transport of ambient air pollution.

Number of monitors and locations to represent source impacts.

Hours of continuous ambient air monitoring data collected.

Number of particulate matter, lead, and air toxics samples collected.

Concentrations of pollutants for which national ambient air quality standards have been established.

Concentrations of pollutants for which health-based risk standards have been determined.

Baseline: 2005-2010 Kentucky Electronic Data Acquisition Systems data and 2005-2010 Kentucky Air Quality System (AQS) data.

Action 2.8.1: Develop the ambient air monitoring network plan in accordance with 40 CFR 58.10 by July 1, 2011.

Action 2.8.2: Obtain hourly ambient air pollutant concentrations for ozone, sulfur dioxide, oxides of nitrogen, and mercury on a continuous basis using automated analyzers.

Action 2.8.3: Obtain hourly ambient air pollutant concentrations for particulate matter 2.5 microns in diameter or smaller (PM_{2.5}) on a continuous basis using automated samplers.

Department for Environmental Protection

Action 2.8.4: Collect 24-hour samples for particulate matter (including PM_{2.5}, PM₁₀, and speciated PM_{2.5}), lead, and air toxics per the national USEPA Monitoring Schedule.

Action 2.8.5: Minimize data loss by ensuring that failed equipment is repaired or replaced within 5 business days after notification of instrument malfunction.

Action 2.8.6: Compile annual mean-concentration reports for each pollutant measured by May 1, 2011.

Tactic 2.9: Conduct quality measurement checks and data quality assessments on the ambient air monitoring network in order to ensure data accuracy & integrity.

Measures: Number of complete and current Quality Assurance Project Plans (QAPPs).
Number of complete and current standard operating procedures (SOPs).
Percentage of valid, quality-assured continuous ambient air monitoring data collected.
Percentage of valid, quality-assured particulate matter, lead, and air toxics samples collected.
Number of quality control checks performed on ambient air monitors.
Number of ambient air monitoring performance evaluations conducted.

Baseline: EPA's 2006-2009 Kentucky Technical Systems Audit Results.

Action 2.9.1: Review 100% of Division's air monitoring QAPPs on an annual basis.

Action 2.9.2: Review 100% of Division's air monitoring SOPs on an annual basis.

Action 2.9.3: Develop SOPs for new methods within 6 months of start-up.

Action 2.9.4: Maintain 75% data recovery for each calendar quarter for all instruments within the ambient air monitoring network.

Action 2.9.5: Conduct quality control precision checks on each automated analyzer that collects ozone at least once every two weeks, with results within $\pm 7\%$ difference.

Action 2.9.6: Conduct quality control precision checks on each automated analyzer that collects SO₂ and NO_x data at least once every two weeks, with results within $\pm 10\%$ difference.

Action 2.9.7: Conduct quality control precision checks on each instrument that collects particulate matter samples at least once per month, with results within $\pm 4\%$ difference.

Tactic 2.10: Assure compliance with air quality regulations and standards.

Measures: Number of major stationary source inspections conducted.
Number of minor stationary source inspections conducted.
Number of routine (non-complaint) asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) and Asbestos Hazard Emergency Response Act (AHERA) inspections conducted.
Number of asbestos NESHAP and AHERA complaint investigations conducted.

Department for Environmental Protection

Number of asbestos NESHAP notification investigations for existing Agency Interests (AIs).

Number of asbestos NESHAP notification investigations for non-Agency Interests.

Number of routine non-asbestos complaint investigations conducted.

Compliance rate of stationary source inspections.

Compliance rate of all incident investigations (AIs & non-AIs).

Compliance rate with 401 KAR 63:005 (open burning), 63:010 (fugitive emissions) and 401 KAR 53:010 (odor).

Compliance rate of NESHAP and AHERA-related inspections and investigations.

Baseline: SFY2006-SFY2010 trends data.

Action 2.10.1: Complete full compliance evaluations of all major stationary sources on a biennial basis.

Action 2.10.2: Initiate appropriate enforcement action on 100% of high-priority violations (HPV as defined by EPA) within 60 days of discovery.

Action 2.10.3: Resolve 100% all violations within 90 days or refer to the Division of Enforcement.

Action 2.10.4: Complete inspection of 50% of NESHAP-regulated asbestos activities within the current fiscal year for which the division has received a required notification.

Action 2.10.5: Complete inspection of 20% of selected AHERA local education agencies (i.e. school districts) for the current fiscal year.

Department for Environmental Protection

Goal 2



Clean and Safe Water

To manage, protect, and enhance the quality and quantity of the Commonwealth's water resources for present and future generations through voluntary, regulatory, and educational programs.



Kentucky has an abundance of water resources that provide important sources for public water systems, recreation and tourism, and economic opportunities. Managing and protecting the state's waters, including lakes, streams and rivers, as well as the water beneath the ground's surface, is imperative to ensure safe water for human health, the subsistence of important ecosystems, and the prospect of economic development. The department is responsible for regulating and monitoring the quality of drinking water, surface water and groundwater resources, and wastewater treatment systems across the state of Kentucky.

Effective regulatory oversight of water quality via federal and state regulations along with appropriate water quality criteria controls the amount of pollutants that can be discharged to water sources. Continuous improvement of water quality in Kentucky is achieved through permitting, compliance and inspection, monitoring, and other water quality improvement programs. Inspections of permitted facilities, in conjunction with collection and analysis of data from rivers, streams, lakes and wetlands throughout the state, enable the department to closely monitor the safety of the public's drinking water and the state's water resources.

The department not only protects the public's safety by regulating water quality, but also assists the federal government in the effort to protect Kentuckians from dam failures and flooding. Permits for construction, reconstruction, and repair of dams are issued by the department and regular inspections of dams are also conducted. The National Flood Insurance Program is administered by the department; the department also issues permits for construction on floodplains to prevent losses from flooding in Kentucky.

Through the support of regulatory, monitoring and water quality improvement programs, Kentucky's water resources are enhanced and protected for present and future generations.

Department for Environmental Protection

Objective 1 - Protect, manage and restore water resources.

Tactic 1.1: Develop and Implement Total Maximum Daily loads (TMDLs).

Measures: Number of impaired waters bypassed for TMDL development in FY 2011.
Number of permits that contain TMDL measures in FY 2011.
Baselines: Number of impaired waters bypassed for TMDL development in FY 2010.
Number of permits that contain TMDL measures in FY 2010.

Action 1.1.1: Implement protocols for the translation of TMDLs in permits by October 2010.

Action 1.1.2: Develop 100 approved TMDLs by June 2011.

Action 1.1.3: Identify impaired waters that are candidates for bypassing TMDL development June 2011.

Tactic 1.2: Implement a Nutrient Criteria Strategy.

Measure: Percentage of data collected and analyzed for the development of nutrient criteria in FY 2010.

Baseline: The FY 2009 inventory of existing nutrient criteria data.

Action 1.2.1: Evaluate data, necessary for development of nutrient criteria by January 2011.

Action 1.2.2: Finalize strategy regarding development of nutrient water-quality standards by August 2010.

Action 1.2.3: Outline issues regarding water-quality standards for nutrients by February 2011.

Action 1.2.4: Develop a public outreach approach and begin conducting public outreach regarding nutrients and water quality issues by June 2011.

Action 1.2.5: Participate in the Mississippi River – Gulf of Mexico Hypoxia Task Force and work toward implementing the Gulf Hypoxia Action Plan 2008

Objective 2 – Conduct effective water resources planning

Tactic 2.1: Revise and update the guidance for Kentucky's Watershed Approach

Measures: Completion of the 2011 Nonpoint Source (NPS) Management Plan.
Completion of the 2011 Watershed Framework.

Baselines: 2000 NPS Management Plan.
Watershed Framework.

Action 2.1.1: Assemble stakeholder group to review and comment on the NPS Management Plan by September 2010.

Action 2.1.2: Perform internal assessment and review of the Watershed Framework by September 2010.

Department for Environmental Protection

Action 2.1.3: Submit draft of updated NPS Management Plan to EPA by March 2011.

Action 2.1.4: Complete update of Watershed Framework by April 2011.

Action 2.1.5: Set up long term home for Kentucky Watershed Leadership Academy by June 2011.

Action 2.1.6: Promote and distribute the Kentucky Watershed Based Planning Guidebook by May 2011.

Tactic 2.2: Promote the EPA's Sustainable Infrastructure Initiative.

Measures: The number of dam safety inspections completed during the year.
The annual number of boil water advisories.
The number of SI outreach activities completed.
The number of projects approved that incorporated "green" methods or practices such as regionalization, water and energy conservation, etc.

Baseline: The corresponding numbers from 2010.

Action 2.2.1: Collaborate with key stakeholders from government, industry, and community groups to use their expertise in promoting sustainable water infrastructure.

Action 2.2.2: Conduct training and public outreach workshops around the state to explain the initiative to water and wastewater providers; discuss with utilities the available asset management tools; and provide them guidance on how to implement the sustainable infrastructure concepts by June 2011.

Action 2.2.3: Make additional revisions to the State Revolving Fund (SRF) project priority ranking systems to award more points to projects that implement sustainable concepts by January 2011.

Tactic 2.3: Plan for sustainable infrastructure.

Measures: The number of facility plans reviewed and approved.
The number of environmental information documents reviewed and approved.
The number of projects approved that incorporated "green" methods or practices such as regionalization, wastewater reuse, as well as water and energy conservation.

Baseline: The corresponding numbers from 2010.

Action 2.3.1: Participate in the Area Development District Water Management Planning Council meetings to assist with planning future water infrastructure.

Action 2.3.2: Develop and implement a strategy to encourage wastewater systems to evaluate the applicability of using onsite and decentralized wastewater treatment systems to meet their current and future wastewater needs.

Department for Environmental Protection

Action 2.3.3: Develop and implement a strategy to encourage water and wastewater systems to plan on watershed basis to protect water quality and reduce the cost of building infrastructure.

Action 2.3.4: Identify and recommend innovative uses of the drinking water SRF and set-asides that support the sustainable infrastructure initiative.

Action 2.3.5: Evaluate and provide recommendations regarding the relationships between floodplain permitting and dam safety.

Tactic: 2.4: Participate in EPA Rule Making.

Measure: Rule development for federal or program areas.
Number of agency contacts with EPA on rule making.
Completion of a National Permit Discharge Elimination System (NPDES) pesticide permit by January 1, 2011.

Baseline: Number of agency contacts with EPA on rule making as of July 1, 2010.

Action 2.4.1: Participate in EPA storm water rule making.

Action 2.4.2: Participate in EPA pesticide NPDES rule making.

Action 2.4.3: Participate in EPA Confined Animal Feeding Operation rule making.

Objective 3 - Meet federal and state program requirements.

Tactic 3.1: Meet Federal grant and work plan requirements.

Measures: On-time submittal of all federal grant applications, work plans and reports.
Percentage of 106 work plan inspections conducted.
Submittal of drinking water primacy packages with interim or final primacy granted.
Submittal of required primacy packages.
Number of scheduled sanitary surveys completed within the month assigned.
Implementation of Drinking Water State Revolving Fund (DWSRF) set-asides work plans.
Number of special appropriation projects inspected.
Number of American Recovery and Reinvestment Act (ARRA) projects inspected.

Baselines: FFY 2009 and 2010 Federal Commitments.
The number of scheduled sanitary surveys completed within the month assigned.
The number of Special Appropriations (SPAP) inspections completed in 2010.
The number of ARRA projects inspected in 2010.

Action 3.1.1: Submit work plans, grant applications, and all reports to EPA and Federal Emergency Management Agency (FEMA) within regulatory timeframes by July 2010.

Department for Environmental Protection

- Action 3.1.2:** Develop Performance Partnership Grant (PPG) with EPA by October 2010 and implement PPG by November 2010.
- Action 3.1.3:** Complete drinking water Enforcement Management Strategy by September 2010.
- Action 3.1.4:** Develop the 2012 106 work plan commitments by September 2010.
- Action 3.1.5:** Submit the final 2011 106 work plan inspection commitments by July 31, 2010.
- Action 3.1.6:** Meet regulatory and primacy requirements and measures within associated federal timeframes.
- Action 3.1.7:** Complete stage 2 and Ground Water Rule (GWR) primacy packages by December 2010.
- Action 3.1.8:** Provide comment on the Revised Total Coliform Rule by February 2011.
- Action 3.1.9:** Submit DWSRF set-asides work plans to EPA within the timeframe defined in the MOA and track progress made on implementing the work plans.
- Action 3.1.10:** Conduct field inspections of projects that received special appropriation grants in accordance with the federal grant work plans.
- Action 3.1.11:** Conduct field inspections of projects that received financial assistance.
- Action 3.1.12:** Submit all federal grant applications, work plans and reports by date due.

Tactic 3.2: Meet state requirements and maintain progress toward achieving and maintaining zero permit backlogs.

- Measures:**
- The total number of permits pending July 2011.
 - The total number of permits pending that exceed regulatory timeframes by July 2011.
 - The total number of “major” facilities with permit applications that exceed regulatory timeframes by July 2011.
 - The number of general permits that have expired and not been issued or that have not been addressed by July 2011.
 - The number of general permit Notices of Intent (NOIs) for which coverage has not been issued or that have not been addressed by July 2011.
 - The percentage of permit reviews completed within regulatory timeframes during SFY 2011.
 - The percentage of permit reviews that exceed regulatory timeframes during SFY 2011.
 - Employee productivity rates for permitting, data entry and scanning during SFY 2011.
 - The percentage of construction plan approvals issued within the regulatory timeframe for drinking water facilities.
 - The percentage of clean water construction permits issued within the regulatory timeframe.

Department for Environmental Protection

The percentage of dam safety construction permits issued within the regulatory timeframe.

The number of dam safety inspections conducted.

Expenditure of State-Owned Dam Repair (SODR) funds.

Number of coal Individual Permit (IP) and General Permit (GP) coverages issued without objection.

Baseline: The corresponding percentages from 2010.

The SFY 2010 DOW permit backlog.

SFY 2010 backlog percentages.

SFY 2010 employee productivity rates.

Number of coal IP and GP coverages issued without objection on July 1, 2010.

Action 3.2.1: Meet regulatory timeframes on permit issuances and plan reviews.

Action 3.2.2: Resolve oil and gas program.

Action 3.2.3: Implement SODR program strategies and projects.

Action 3.2.4: Issue remaining expired general permits by December 2010.

Action 3.2.5: Provide outreach to the regulated community regarding implementation of general permits by March 2011.

Action 3.2.6: Reconcile Permit Compliance System (PCS) and Tools for Environmental Management and Protection Organizations (TEMPO) for construction coverage's issued during SFY 2010 by September 2010.

Action 3.2.7: Maintain current and consistent implementation of the construction storm water program and provide determinations within 7 days of general permit NOIs by November 2010.

Action 3.2.8: Issue permits for all "major" facilities that exceed the RTF by January 2011.

Action 3.2.9: Issue permits for all facilities that exceed the RTF by >1.5 years by September 2010.

Action 3.2.10: Resolve coal permitting issues with EPA.

Objective 4: Promote better management and communication of data.

Tactic 4.1: Implement an integrated data management system for water quality data.

Measures: Gap analysis completed date.

Implementation of Kentucky Water Assessment Data Exchange (K-WADE).

Successful data exchange with EPA via K-WADE.

Baseline: Level of completion on July 1, 2010.

Action 4.1.1: Perform gap analysis with Acclaim by August 2010.

Action 4.1.2: Implement K-WADE and submit data to EPA using exchange network by March 2011.

Department for Environmental Protection

Action 4.1.3: Create data exchanges with other data partners (*e.g.*, Department for Natural Resources (DNR) for Coal Permit DMR data and cumulative hydrologic impact assessment (CHIA), Fish and Wildlife, etc...) by June 2011.

Tactic 4.2: Implementation of Share Point to educate the public and assist regulated entities with compliance with program requirements.

Measure: Implementation of New DOW internet site.
Implementation of DEP eSearch portal public notice process.
Implementation of DOW intranet website.

Baseline: Level of completion on July 1, 2010.

Action 4.2.1: Finalize and implement New DOW internet site August 2010.

Action 4.2.2: Implement DEP eSearch portal public notice process August 2010.

Action 4.2.3: Develop and implement New DOW intranet website June 2011.

Tactic 4.3: Water Availability Tool for Environmental Resources Application (WATER) application implementation on Geographical Information System (GIS) Terminal Server.

Measure: WATER application implemented.

Baseline: WATER application not currently being implemented.

Action 4.3.1: Collaborate with United States Geological Survey (USGS) and General Administrative and Program Support (GAPS) to implement WATER application September 2010.

Action 4.3.2: Collaborate with USGS to enhance WATER application to further increase staff productivity June 2011.

Tactic 4.4: Promote better decision making through GIS and Data Analysis.

Measure: Number of staff receiving GIS training in 2011.
Number of Division approved SOPs for 2011.
Number of data analysis projects completed in 2011.

Baseline: Number of Division approved SOPs for 2010.

Action 4.4.1: Incorporate GIS into the review of Standard Operating Procedures (SOPs) for the Division by October 2010.

Action 4.4.2: Develop GIS training for managers and supervisors by January 2011.

Action 4.4.3: Conduct GIS training for managers and supervisors by June 2011.

Action 4.4.4: Develop audit procedures for review of SOPs by December 2010.

Action 4.4.5: Conduct training for staff regarding SOP development and the review process by April 2011.

Action 4.4.6: Develop process for providing sufficient quality assurance of Division products by December 2010.

Department for Environmental Protection

Action 4.4.7: Develop a priority list of Division data to be analyzed by the GIS and Data Analysis Section by September 2010.

Action 4.4.8: Begin systematically analyzing data from current DOW databases by October 2010.

Action 4.4.9: Develop self-learning GIS modules for staff by June 2011.

Tactic 4.5: Transition from PCS to ICIS to improve permit compliance, tracking, and data analysis.

Measure: Implementation of ICIS.

Baseline: Current status of entering data into PCS

Action 4.5.1: Complete the transition from PCS to ICIS and begin to enter permit and compliance data into ICIS by June 2011.

Department for Environmental Protection

Goal 3



Waste Management & Land Restoration

Preserve and restore Kentucky's land through the development and implementation of fair, equitable and effective waste management programs.

The Department of Environmental Protection administers an array of programs to minimize ground contamination risks that may threaten the health, safety and environment of various life forms. These programs regulate and educate the public on issues concerning solid and hazardous waste management, site remediation at contaminated properties, underground storage tanks and recycling waste products.



Solid and hazardous wastes are managed through comprehensive permitting, registration, monitoring, reporting and training requirements. Additional methods such as promotion of solid and hazardous waste minimization, landfill inspections, public meetings and evaluation of waste streams ensure proper protection of our state's natural resources. The department also utilizes state and federal funds to support various programs, including the Hazardous Waste Management Fund, which

is funded through Hazardous Waste Assessment fees. This money is used to address environmental emergencies and to perform assessment and cleanup of abandoned contaminated sites that pose a serious threat to human health and the environment.

Assisting owners and operators with compliance of operational and maintenance requirements for underground storage tanks is a service provided by the department to prevent soil and groundwater contamination caused by releases from petroleum underground storage tanks. Additionally, the department provides for the abatement and control of contaminant risks associated with releases from underground storage tanks.

The department has various programs that encourage public participation to protect the environment by recycling and reducing waste in order to minimize the need for landfills, conserving energy and natural resources. These programs educate citizens and industry in environmentally friendly practices in the proper management of solid waste and stress the significant environmental and economical benefits of reducing, reusing and recycling materials.

Department for Environmental Protection

Objective 1 - Reduce and/or maintain elimination of DWM permit and data entry backlogs.

Tactic 1.1: Maintain progress towards reducing and/or maintaining zero permit and data entry backlogs.

Measures: The total number of permits pending.
The total number of permits pending which exceed regulatory timeframes.
The percentage of permit reviews completed within regulatory timeframes.
The percentage of permit reviews completed that exceed regulatory timeframe.

Baseline: The SFY2004 DWM permit backlog.

Action 1.1.1: Obtain a zero backlog on all remaining applications beyond regulatory time frames by June 30, 2011. The Hazardous Waste Branch is attempting to meet the GPRA goals by the end of FFY11.

Action 1.1.2: Maintain and enhance TEMPO reporting to accurately track and report on measures.

Action 1.1.3: Allocate staff as necessary to assist in permit review and data entry.

Action 1.1.4: Evaluate and implement additional streamlining opportunities to address process and institutional inefficiencies (example: continuously evaluate business processes to identify inefficiencies and implement effective alternatives).

Action 1.1.5: Enhance training and retention of qualified staff (example: more fully utilize employee recognition opportunities).

Action 1.1.6: Ensure that all permits are issued within regulatory timeframes.

Objective 2 - Protect human health and enhance Kentucky's land resources.

Tactic 2.1: Restore or manage contamination at sites with known or suspected releases to soil or groundwater.

Measures: The number of sites with known or suspected releases with potential human exposures where no further action is required or otherwise controlled as a result of implementing a management in place technique:
Number of underground storage tank cleanups conducted, remaining.
Number of hazardous waste program corrective actions completed, remaining.
Number of historic landfills characterized, number remediated, remaining.
Number of illegal dumps remediated under the Kentucky PRIDE Program, remaining.
Number of State Superfund sites characterized, number remediated.
Number of State-Lead sites remediated utilizing the Hazardous Waste Management Fund.
Number of methamphetamine lab properties received and number released.

Department for Environmental Protection

Number of emergency or incident responses made and number of cases closed.

Number of cleanups conducted under state oversight via the Voluntary Environmental Remediation Program (see also DCA Brownfields measure).

Baseline: SFY2004 inventory of existing sites.

Action 2.1.1: Maintain and enhance TEMPO reporting to accurately track and report on measures.

Action 2.1.1: Fully inventory the list of sites with known or suspected contamination.

Action 2.1.2: Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in expansion budget (examples: potential environmental remediation fee increase and reallocation). At a minimum, work to maintain current level of funding in cleanup programs.

Action 2.1.3: Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment.

Action 2.1.4: Develop and/or amend regulations for Division programs to expedite cleanup progress in a protective manner to human health and the environment (examples: working on further revisions of UST regulations to modify September 2006 revisions and incorporate Energy Act requirements by mid-SFY11, drafting regulatory amendments to solid waste regulations for external review by early SFY11 to conform with federal and state statutes and to modify program procedures/requirements; and to update HW regulations to incorporate federal rulemaking finalized through July 1, 2010 if the reauthorization package is approved by EPA).

Action 2.1.5: Amend 401 KAR Chapter 42 to incorporate requirements for the investigation of indoor petroleum vapor issues. Maintain development of an overall program to coordinate actions and address these issues.

Action 2.1.6: Amend 401 KAR Chapter 42 to incorporate requirements for Operator Certification in conjunction with the federal Energy Act. These requirements will implement a site-specific approach to training and testing to support certification which will significantly aid in increased overall compliance and leak prevention.

Action 2.1.7: Engage in the employment of Federally Funded Time Limited (FFTL) staff members to fully utilize funding made available through the American Reinvestment and Revitalization Act to complete technical reviews and cleanups at contaminated UST facilities.

Action 2.1.8: Review Standard Operating Procedures and guidance documents annually and update as necessary.

Tactic 2.2: Encourage reduced waste generation and disposal by promoting beneficial reuse, recycling, waste minimization, and pollution prevention.

Measures: The tons of solid and special waste recycled or reused, by type.

Department for Environmental Protection

The tons of material recycled through the State Government Recycling program.

The number of waste tires used in tire-derived fuel projects, crumb rubber grants and other beneficial reuse purposes.

The tons of hazardous waste recycled or reused (example: mercury collection efforts).

The tons of waste recycled as a result of recycling grant program.

Baseline: SFY2004 reported quantities of waste generation, disposal, reuse, and recycling.

Action 2.2.1: Maintain and enhance TEMPO reporting or other databases to accurately track and report on measures.

Action 2.2.2: Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in expansion budget.

Action 2.2.3: Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment. (example: revision of the statutes relating to waste tires).

Action 2.2.4: Develop and/or amend regulations for Division programs to enhance and encourage beneficial reuse and recycling in a protective manner to human health and the environment (example: drafting regulatory amendments to 401 KAR 49:080 to incorporate provisions of 2006 SB50 by mid-SFY11; drafting regulatory amendments to 401 KAR 49:011 to streamline reporting requirements for counties; development of technical requirements for waste-to-energy projects; development of technical requirements for defining when a “recovered material” is exempt from being a solid waste).

Tactic 2.3: Assure proper management and disposal of waste.

Measures: The compliance rates for authorized solid waste management facilities.
The amount, by weight, of litter collected by counties through the Kentucky Pride program.

The compliance rates for authorized hazardous waste facilities.

The compliance rates for registered underground storage tanks.

Baseline: SFY2004 tonnages disposed; litter collected; compliance rates.

Action 2.3.1: Maintain and enhance TEMPO reporting to accurately track and report on measures.

Action 2.3.2: Evaluate and implement streamlining opportunities to address process and institutional inefficiencies inhibiting compliance.

Action 2.3.3: Develop and/or amend regulations for Division programs to facilitate compliance with agency requirements (example: drafting regulatory amendments to 401 KAR 49:080 to incorporate provisions of 2006 SB50 by mid-SFY11, review 401 KAR Chapter 40 and draft

Department for Environmental Protection

regulatory amendments as necessary, draft regulatory amendments to 401 KAR Chapter 42 to incorporate the Energy Policy Act of 2005).

- Action 2.3.4:** Inspect regulated sites at established intervals to facilitate and ensure compliance with agency requirements.
- Action 2.3.5:** Increase communications between permitting central office staff and field operations staff. Take more opportunities for central office permitting staff to conduct site visits with field inspectors.
- Action 2.3.6:** Take enforcement action on regulated sites as necessary to facilitate and achieve compliance with agency requirements (working on methods to improve compliance rates for UST sites through direct compliance assistance efforts with tank owners and operators).
- Action 2.3.7:** Workgroup formed between Underground Storage Tank Branch and the Superfund Branch for addressing possible regulatory changes regarding increased use of bio-fuels, which may pose compatibility problems with existing UST system components.
- Action 2.3.8:** Review Standard Operating Procedures and guidance documents annually and update as necessary.

Department for Environmental Protection

Goal 4



Environmental Compliance

Ensure environmental compliance using a clear and consistent approach of enforcement.

Proper enforcement stops violators from releasing illegal pollution into the air, water and onto the ground. In situations where federal and state environmental laws have been violated, enforcement ensures responsible parties are held accountable for the contamination of the environment. Responsible parties are directed to clean up contaminated property or reimburse the department for the cleanup.

The Division of Enforcement serves both compliance and enforcement functions. Through its Compliance and Operations Branch, the Division's compliance efforts focus on identifying violations, notifying the regulated entity of the violations and returning the regulated entity back to compliance through informal processes without the assessment of penalties. This is uniquely different from the responsibilities of the Civil Enforcement Branch, which focuses on addressing violations that have already been cited, following formal administrative processes to resolve the violations and routinely assessing civil penalties as a part of the resolution.

The enforcement process is conducted through referrals from either the Department's program divisions or internally from the Compliance and Operations Branch. When regulated entities fail to return to compliance through the compliance process, the referring party prepares, organizes and summarizes case-specific documentation and refers the violation to the Division of Enforcement's Civil Enforcement Branch for formal enforcement action.



Mid-Valley Pipeline Crude Oil Release, Owen County, January 2005

Department for Environmental Protection

Objective 1 - Facilitate the return of regulated entities to compliance with environmental statutes and regulations.

Tactic 1.1: Facilitate processes that result in the successful resolution of environmental enforcement cases.

Measure: The number of new cases received in the Division during the fiscal year.
Baseline: From July 2005 through March 2010, the Division has received an average of 34 new cases per month and an average of 408 new cases per fiscal year.

Measure: The number of cases closed by the Division during the fiscal year.
Baseline: From July 2005 through March 2010, the Division has closed an average of 37 cases per month and an average of 444 cases per fiscal year.

Measure: The total number of enforcement cases in the Division.
Baseline: From July 2005 through March 2010, the Division had an average of 1094 open enforcement cases. On 04/27/10, the Division had 975 open enforcement cases.

Measure: The number of cases open in the Division of Enforcement only for monitoring compliance with an agreed order or Secretary's order.
Baseline: From July 2005 through March 2010, the Division had an average of 265 enforcement cases open for monitoring and executed settlement document (Demand Letter, Agreed Order, Secretary's Order). On 04/27/10, the Division had 249 enforcement cases open for monitoring and executed settlement document.

Measure: The number of cases in the Division that are unassigned.
Baseline: In January 2008, the Division had 120 unassigned enforcement cases. On 04/27/10, the Division had 14 unassigned enforcement cases. Data developed prior to January 2008 is spurious.

Measure: The total amount of civil penalties collected and supplemental environmental projects imposed from enforcement cases during the fiscal year.
Baseline: From FY2000 through FY2009, the Division collected and average of \$1,973,903.70 in civil penalties per fiscal year.

Measure: The number of Agreed Orders signed by the responsible party in enforcement cases or cases otherwise resolved.
Baseline: From July 2005 through March 2010, the Division has received an average of 8 Agreed Orders signed by the responsible party per month and has received an average of 96 Agreed Orders signed by the responsible party per fiscal year.

Department for Environmental Protection

Measure: The number of Demand Letters or Settlement Letters issued per fiscal year.

Baseline: The use of Demand Letters to resolve enforcement cases was reinstituted in February 2008. From February 2008 through March 2010, the Division mailed an average of 5 Demand Letters to the responsible party per month and an estimated average of 96 Demand Letters to the responsible party per fiscal year.

Measure: The number of agreed orders and Administrative Orders signed by the Secretary in enforcement cases per year.

Baseline: From July 2005 through May 2008, an average of 11 Agreed Orders were executed per month and an average of 132 Agreed Orders were executed per year.

Action 1.1.1: Maintain and update protocols and the mechanisms necessary to implement timely and effective enforcement of environmental laws.

Action 1.1.2: Develop staff expertise in air, waste management and water programs to allow the Division to more effectively facilitate compliance with environmental laws.

Action 1.1.3: Work closely with program divisions to resolve enforcement cases in a timely and effective manner.

Action 1.1.4: Develop criteria and format for monthly reporting of Division activities and accomplishments to program divisions and Department and Cabinet management.

Action 1.1.5: Develop and implement criteria and mechanism for prioritizing enforcement cases to be referred to Cabinet attorneys for legal action.

Tactic 1.2: Resolve enforcement cases in a timely manner.

Measure: The length of time required to draft a case resolution proposal for approval once a case has been assigned to staff.

Baseline: The average time is 49 days to draft a case resolution proposal once a case has been assigned to staff.

Measure: The length of time required to hold a settlement conference after a case resolution proposal has been drafted.

Baseline: The average time is 82 days to hold a settlement conference after a case resolution proposal has been drafted.

Measure: The length of time required to reach an agreement in principle or refer a case to EPLD after a case resolution proposal has been drafted.

Baseline: The average time is 98 days to reach an agreement-in-principle after a case resolution proposal has been drafted, and an average of 167 days to refer a case to EPLD after a case resolution proposal has been drafted.

Department for Environmental Protection

Measure: The length of time required to draft an agreed order or demand letter once an agreement-in-principle has been reached.

Baseline: The average time is 19 days to draft an agreed order once an agreement-in-principle has been reached, and 6 day to draft a demand letter once an agreement-in-principle has been reached.

Measure: The length of time required to have the responsible party under an executed settlement document once a case has been assigned to staff.

Baseline: The average time is 199 days from case assignment to execution of a DEP agreed order, 143 days from case assignment to mailing of a demand letter, 523 days from case assignment to execution of an EPLD agreed order, and 582 days from case assignment to execution of a Secretary's Order. There is currently insufficient data to determine a baseline for length of time from case assignment to execution of a court decision or a consent decree.

Objective 2 – Provide assistance to Department programs by issuing and tracking compliance with letters of warning and notices of violation.

Tactic 2.1: Facilitate processes for the issuance and tracking of compliance with letters of warning and notices of violation.

Measure: The number of letters of warning and notices of violation issued by DENF per year.

Baseline: From July 2006 through March 2010, the Division issued an average of 5 Letters of Warning per month and an average of 22 Notices of Violation per month. From FY2005 through FY2008, the Division issued an average of 60 Letters of Warning per fiscal year and an average of 264 Notices of Violation per year.

Action 2.1.1: Monitor and report on a yearly basis the number of letters of warning and notices of violation issued by DENF.

Action 2.1.2: Work closely with program divisions to issue letters of warning and notices of violation in a timely and effective manner.

Department for Environmental Protection

Goal 5



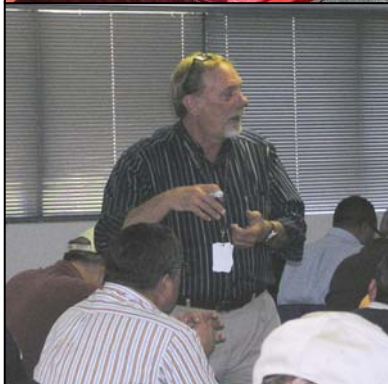
Compliance Assistance and Environmental Stewardship

Promote responsible environmental stewardship.



The Division of Compliance Assistance administers four programs: certification and licensing, brownfield redevelopment, environmental compliance assistance and environmental leadership (KY EXCEL). The division's innovative and important approach to facilitating compliance and excellence is improving the environment for all Kentuckians.

Technical Assistance - *DCA is a technical resource for individuals with environmental questions and needs.* Complying with a very diverse and extensive set of environmental requirements can be difficult. Even committed and experienced environmental professionals face times when they simply need help. DCA maintains a compliance assistance hotline that allows anyone to seek help with an environmental concern.



Education - *DCA is providing Kentucky with the knowledge it needs to care for Kentucky's environment.* In a 2008 survey, more than 3,000 entities regulated by the department were asked what impacted their ability to comply with environmental requirements. Respondents identified a lack of knowledge regarding environmental requirements as one of the greatest barriers to ensuring environmental compliance. DCA's training is equipping front-line environmental professionals with the information they need to succeed in their environmental efforts.



Sustainability - *DCA strives to help all of its clients recognize and implement sustainable behaviors that protect and improve Kentucky's environment.* DCA stands uniquely positioned to partner with Kentucky's corporate and private citizens to proactively build environmental values and facilitate positive behaviors throughout Kentucky. DCA is accomplishing this through partnerships, training, mentoring and technical support.

Stewardship - *DCA strongly believes that the future of Kentucky's environment depends on the stewardship of its citizens.* Every day, people make both large and small decisions in their homes, workplaces and communities that can benefit or harm the environment. DCA is helping these individuals become more aware of the economic and environmental benefits that result from sustainable decisions, so they can make positive choices that are environmentally beneficial.

Department for Environmental Protection

Objective 1 - Certify qualified environmental professionals.

Tactic 1.1: Certify and train select environmental professionals to facilitate appropriate actions and operations and increase compliance at regulated locations.

Measure: The number of certification licenses issued annually.

Baseline: In SFY09, the Division of Compliance Assistance issued the following certification licenses:

Wastewater Certifications -	180
Wastewater Certification Renewals -	1068
Drinking Water Certifications -	273
Drinking Water Certification Renewals -	344

Action 1.1.1: Process certification applications and administer examinations in an accurate and timely manner to ensure that individuals possess the minimum competencies necessary to properly perform their professional duties.

Action 1.1.2: Conduct a comprehensive review of certification processes to maximize efficiencies through automation and online technology.

Action 1.1.3: Provide accurate and relevant technical training to certified operators and applicants.

Action 1.1.4: Develop and implement a communication strategy that educates the public on the importance of certified professionals and the impact they have on water quality.

Action 1.1.5: Provide administrative support for the Kentucky Board of Certification of Wastewater System Operators and the Kentucky Board of Certification of Water Treatment and Distribution System Operators.

Objective 2 - Revitalize Kentucky's communities.

Tactic 2.1: Implement processes that result in the cleanup and beneficial reuse of brownfield properties.

Measure: The number of brownfield projects undertaken by communities or individuals that involved guidance, services or incentives offered from the division's Brownfield Program.

Baseline: In SFY09, the Division of Compliance Assistance provided services that resulted in the following brownfield projects:

Federal Grant Applications - 13 federal brownfield grant applications were submitted. 3 were awarded for a total of \$600 thousand. The program assisted with 2 CARE grant applications and 1 Smart Growth Assistance grant application – the results are still pending.

Department for Environmental Protection

Site Assessments -	Assessment activities were performed on 9 sites
Property Cleanups -	Unknown
Property Revitalizations -	Unknown

Action 2.1.1: Continue to identify brownfield sites across the state and provide technical, financial, and visioning services for those wishing to redevelop those properties.

Action 2.1.2: Encourage brownfield redevelopment through education and outreach.

Action 2.1.3: Lead the development of financial assistance tools and public policies that encourage brownfield cleanup and beneficial use.

Objective 3 - Help entities achieve environmental compliance.

Tactic 3.1: Implement a multi-media compliance assistance program that enhances environmental performance.

Measure: Changes in environmental knowledge and behavior resulting from compliance assistance activities.

Baseline: In SFY08, the Division of Compliance Assistance received feedback from its clients that indicated the following changes:

Client Response Activities -	72% indicated a change in knowledge 83% indicated a behavior change
Training Activities -	No compliance assistance trainings were conducted in SFY09

Action 3.1.1: Provide assistance to entities requesting help with agency related topics, with a special emphasis placed on small businesses and communities.

Action 3.1.2: Proactively offer assistance to entities that have routine or significant compliance problems.

Action 3.1.3: Produce training, reference materials, and interactive tools that increase environmental awareness and performance.

Action 3.1.4: Provide ombudsman services for the public and entities regulated by the Department to ensure that department programs are appropriately implemented.

Action 3.1.5: Evaluate the effectiveness of assistance efforts and the methods that produced the greatest positive impact.

Action 3.1.6: Increase communication to all stakeholders on the availability of compliance assistance and the benefits of the program.

Department for Environmental Protection

Objective 4 - Encourage environmental excellence.

Tactic 4.1: Implement KY EXCEL, an environmental leadership program that recognizes entities for their voluntary commitments to improve Kentucky's environment.

Measure: By primary project category, the number of voluntary projects performed by KY EXCEL members.

Baseline: As of the end of SFY09, 1196 KY EXCEL members had committed to a total of 827 voluntary environmental projects.

<u>Primary Project Category</u>	<u>Count</u>
Conservation	28
Education	133
Mentoring and Technical Assistance	8
Performance Improvement	80
Public Health	10
Research and Development	30
Resource Efficiency	123
Resource Support	85
Restoration	41
Waste Reduction	289

Action 4.1.1: Increase the number of entities participating in KY EXCEL.

Action 4.1.2: Develop and provide incentives and services to KY EXCEL members in recognition of their voluntary efforts to improve Kentucky's environment.

Action 4.1.3: Clearly communicate the benefits resulting from the voluntary environmental projects performed by KY EXCEL members.

Tactic 4.2: Foster a culture of sustainability.

Measure: Changes in knowledge and behavior resulting from sustainability activities.

Baseline: Baseline not determined.

Action 4.2.1: Develop and provide "green" tools in partnership with organizations, state and local agencies, nonprofit entities and other stakeholders.

Action 4.2.2: Identify and communicate resources and opportunities related to environmentally beneficial actions and the benefits of those activities.

Action 4.2.3: Encourage sustainable and "green" behaviors among Kentucky's businesses, governments, and citizens.

Action 4.2.4: Implement "green" projects to reduce the agency's environmental footprint and to create a positive example for other Kentucky citizens.

Department for Environmental Protection

Goal 6



Environmental Program Support

Improve quality, efficiency and effectiveness of environmental programs and activities through innovative strategies, tools and approaches.

The Department for Environmental Protection involves a range of activities that collectively provide support to ensure decisions made by the department are practical and consistent with the department's mission. These activities provide a foundation to achieve desired environmental benefits in the best interest of Kentucky's citizens.



Assessing the environmental status of Kentucky's air, land and water is important to determine potential threats, evaluate risks and identify solutions to protect the environment and safeguard human health. The department maintains a centralized laboratory that performs analytical sample testing of air, water and soil to determine the nature and extent of pollutants within the Commonwealth. The department also maintains a 24-hour emergency environmental response line for accidental spills and releases of toxic and hazardous material that threaten the environment. The

Environmental Response Team (ERT) responds immediately to environmental emergencies and provides efficient, coordinated and effective action to minimize damage to Kentucky's environment.

Administrative and financial support of information technology enables the department to efficiently manage data in a timely manner. Addressing the technological needs of our environmental management systems is an essential aspect of providing web-based electronic services to the public. Advancement of the department's technology and streamlining environmental response programs will provide the best possible service to Kentucky's local governments and communities.

Improvement in organizational and employee development, quality assurance and workplace safety are important areas to facilitate the accomplishment of the agency's mission and goals. Empowering employees with the tools, knowledge and skills to contribute effectively and efficiently enables employees to achieve long-term sustainable results to protect and enhance Kentucky's environment.

Department for Environmental Protection

COMMISSIONER'S OFFICE (CO)

Objective 1 – Provide adequate training to DEP employees.

Tactic 1.1: Provide training opportunities to DEP employees to increase the employee performance effectiveness.

Measure: The number of formalized training events sponsored by DEP.

Baseline: The baseline will be the number of training events sponsored by DEP in SFY10.

Action 1.1.1: Coordinate the scheduling with USEPA of the Basic Inspector Training Course to ensure that the content is appropriate and current.

Action 1.1.2: Offer the DEP New Employee Orientation program on a monthly basis to all new DEP employees and maintain the manual (and Power Point presentation) to ensure that the content is appropriate and current.

Action 1.1.3: Coordinate scheduling and oversee all Safety Training for DEP employees.

Action 1.1.4: Coordinate scheduling of Cabinet (GAPS) mandatory Supervisor's Training program (includes training on employee relations, enforcement of state/cabinet/department-level policies, etc.)

Action 1.1.5: Assist the Divisions in identification of specialized training needs and provide approval and support for the training.

Action 1.1.6: Partner with agencies and organizations outside DEP to provide environmental awareness training (including but not limited to Earth Day, Governor's Conference on the Environment, and Kentucky Recycling Interest Group).

Objective 2 – Continue to support and coordinate ongoing department-level programmatic activities.

Tactic 2.1: Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the Commissioner's Office.

Measure: Provide recommendations to the Commissioner on an ongoing basis.

Baseline: SFY10 department-level activities.

Action 2.1.1: Coordinate e-clearinghouse and NEPA document reviews.

Action 2.1.2: Coordinate U.S. Army Corps of Engineers Public Notice Reviews.

Action 2.1.3: Coordinate review of Pollution Control Tax Exemption Certificates.

Action 2.1.4: Coordinate special projects including: Wellness Committee, Governor's Conference on the Environment, KECC, March of Dimes, and other department-wide activities.

Department for Environmental Protection

Action 2.1.5: Conduct an annual review of the department Quality Management Plan and update as necessary.

Action 2.1.6: Oversee and maintain the DEP Motor Pool.

Objective 3 – Develop an effective strategic planning process.

Tactic 3.1: Develop a Department for Environmental Protection strategic plan for SFY11.

Measure: DEP strategic plan development is coordinated by the Commissioner's Office staff and completed at the beginning of the state fiscal year.

Baseline: Strategic plans are finalized in advance of deadlines.

Action 3.1.1: SFY11 Strategic Plans for the Commissioner's Office and each of the six department divisions are finalized by July 1, 2010.

Action 3.1.2: Ensure the Department's goals and objectives are compatible with the SFY11 Department budget.

Action 3.1.3: Align the Department's strategic plan with Cabinet's strategic plan.

Action 3.1.4: Publish the mid-year status update to the Strategic Plan in December.

Action 3.1.5: Each division shall publish an annual report by September 1 including results of the Strategic Plan measures and actions for the previous state fiscal year.

Tactic 3.2: Assist staff in understanding their role in the DEP strategic plans by ensuring that employees are clear about the objectives, goals and directions of the agency.

Tactic 3.3: Provide input into USEPA's strategic planning processes at both the national and regional levels.

DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT (DEPS)

Objective 1 – Recruit and retain qualified employees for positions at DEP.

Tactic 1.1: Identify recommendations that will assist in the hiring and retaining of qualified employees.

Measure: The number of new employees hired and retained on a yearly basis in critical positions.

Baseline: SFY09 hiring for critical positions.

Action 1.1.1: Work with GAPS staff to develop recommendations to present to the Personnel Cabinet to assist in the recruitment and retention of employees (may include promotion in place options and changes to class specifications.)

Department for Environmental Protection

Action 1.1.2: Increase the promotion of the DEP Scholarship Program at Kentucky universities.

Action 1.1.3: Secure additional funding to provide financial awards (i.e., ERA, ACE, salary increases) to employees that excel in current critical positions where advancement is not available.

Objective 2 – Provide technical, personnel and administrative support for DEP IT-Based Systems (TEMPO/SWr3/KWIMP).

Tactic 2.1: Produce weekly TEMPO Reports for DEP Commissioner's Office that are timely and accurate.

Measure: Weekly submission of reports to the Commissioner's Office.

Baseline: Weekly Reports submitted.

Action 2.1.1 Train appropriate Division staff to produce and format reports.

Action 2.1.2 Designate and train appropriate Division staff for back up.

Tactic 2.2: Provide TEMPO/ SWr2/KWIMP Database Support.

Measure: Successful completion of tasks on IT Project List.

Baseline: July 2010 IT Updated Project List.

Action 2.2.1: Completion of requested reporting modules.

Action 2.2.2: Support ALAWADR for COMPASS replacement.

Action 2.2.3: Provide timely TEMPO Help Desk Support.

Action 2.2.4: Create web-based enhancements for TEMPO, including on-line permit applications and license/certification renewals in accordance with allocated SFY11 budget.

Action 2.2.5: Adhere to Federal Database Guidelines and modifications (SWr2).

Tactic 2.3: Meet goals of USEPA grant-based projects on time and on budget.

Measure: Successful completion of funded projects.

Baseline: Submission and acceptance of semi-annual and annual reports to and by USEPA.

Action 2.3.1: Complete "Better Use of Technology" STAG grant requirements as noted in project plan.

Action 2.3.2: Complete "PCS-ICIS" grant requirements as noted in project plan.

Action 2.3.3: Complete "Node 2 Upgrade" Exchange Network grant requirements as noted in the project plan.

Department for Environmental Protection

Objective 3 – Continue to Support and Coordinate Ongoing Programmatic Activities.

Tactic 3.1: Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the DEPS.

Measure: Activities performed and coordinated in SFY11.

Baseline: SFY10 activities performed by staff in the DEPS. (IT activities are identified in Objective 2 above.)

- Action 3.1.1:** Coordinate the activities of the Environmental Response Team (ERT) to effectively respond to environmental incidents.
- Action 3.1.2:** Obtain satellite communications to enhance the Department's communication capabilities.
- Action 3.1.3:** Develop and implement the Department Emergency Operation Plans.
- Action 3.1.4:** Develop and maintain an ERT Personal Protective Equipment (PPE) Program.
- Action 3.1.5:** Develop and maintain a Department Continuity of Operations Plan (COOP).
- Action 3.1.6:** Develop and maintain an Environmental Response Branch Response Coordinator Handbook.
- Action 3.1.7:** Develop and maintain an Environmental Response Center Guidelines.
- Action 3.1.8:** Develop and maintain a State On-Scene Coordinator (SOSC) Handbook
- Action 3.1.9:** Develop and maintain a Drinking Water Emergency Response Plan.
- Action 3.1.10:** Develop and execute a Department Emergency Exercise.
- Action 3.1.11:** Coordinate all DEP facilities issues including maintenance, department services (phone, janitorial, trash, security, internal mail delivery, uniforms, vehicle inventory), and office relocations.
- Action 3.1.12:** Coordinate DEP budgetary activities including submission of annual operating budgets, the biennial budget, proposed Capital Construction projects, and the quarterly contract workers report as required by HB 387 of the 2010 Regular Session.
- Action 3.1.13:** Review and develop Memoranda of Agreement (MOAs) and Personal Service Contracts (PSCs).
- Action 3.1.14:** Coordinate personnel activities including the DEP scholarship program and EEO/ADA activities.
- Action 3.1.15:** Provide technical advice concerning appropriate laboratory analytical methods and techniques.

Department for Environmental Protection

Objective 4 – Provide accurate and defensible chemical analytical services to the program divisions of the Department for Environmental Protection.

Tactic 4.1: Analyze environmental samples collected by the Air Quality, Water and Waste Management Divisions for chemical constituents.

Measure: The number of environmental samples analyzed each year.

Baseline: In calendar year 2009, there were 5894 samples analyzed by the Environmental Services laboratory.

Action 4.1.1: Provide testing services for samples in accordance with the allocated SFY11 budget.

Action 4.1.2: Maintain an average turn-around-time of less than 28 days for samples submitted beyond July 1st, 2010. In 2009, the average turn-around-time for all samples was 26.9 days.

Measure: The number of individual tests performed by the Environmental Services laboratory.

Baseline: In calendar year 2009, there were 33,458 individual tests performed by the Environmental Services laboratory.

Action 4.1.3: Provide individual testing services in accordance with the allocated SFY11 budget.

Measure: The number of individual chemical parameters reported by the Environmental Services laboratory.

Baseline: In 2009, there were 323,243 individual chemical parameters reported by the Environmental Services laboratory.

Action 4.1.4: Provide chemical parameter reporting to meet department needs.

Tactic 4.2: Maintain accreditation by USEPA and the National Environmental Laboratory Accreditation Program (NELAP).

Measure: Accreditation status of the Environmental Services laboratory.

Baseline: Currently, the laboratory is certified as the State Principal Laboratory for Drinking Water by USEPA. In July 2007, the New Hampshire Department of Environmental Services granted the laboratory NELAP accreditation. Continuing accreditation status is dependent on successful ongoing participation in the NELAP program.

Action 4.2.1: Participate in a minimum of 2 Proficiency Testing (PT) studies approximately 6 months apart.

Action 4.2.2: Pass 2 out of the last 3 consecutive studies to maintain accreditation for that analyte/method.

Department for Environmental Protection

Action 4.2.3: Secure funding that will pay for the fees so that accreditation can be maintained.

Action 4.2.4: Review Environmental Services Laboratory analytical and administrative SOPs and Laboratory Operations and Quality Assurance Manual (LOQAM) annually and update as necessary.

Tactic 4.3: Upgrade the analytical instrument base of the Environmental Services laboratory.

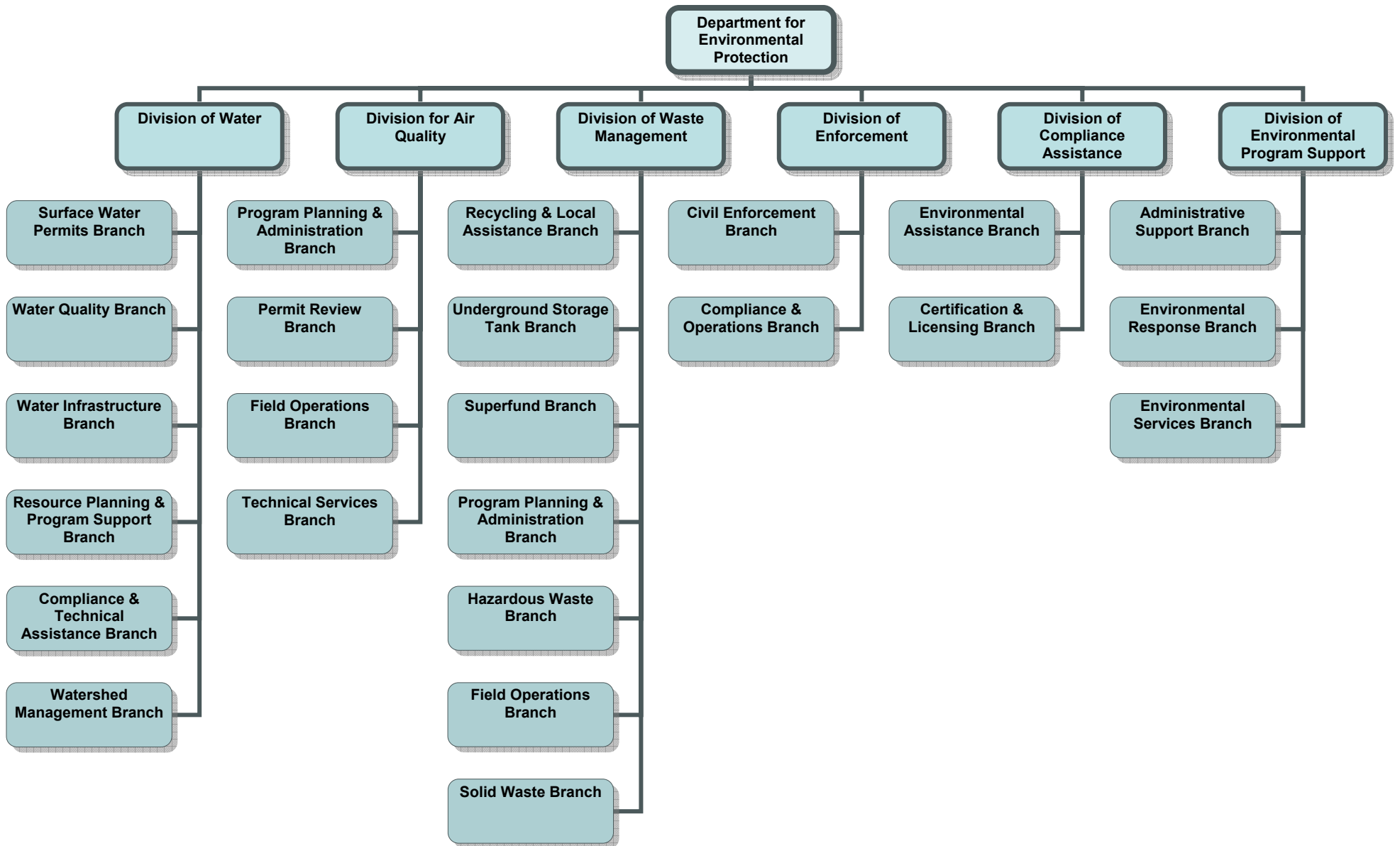
Measure: The analytical capacity and dollar value of new and replacement instrumentation.

Baseline: The Environmental Services lab maintains a major analytical instrument inventory with a baseline dollar value in excess of \$2 million.

Action 4.3.1: Secure additional funding that will allow replacement of old or outdated equipment and instruments.

Action 4.3.2: Secure additional funding that will allow purchase of equipment that utilizes new technologies to meet the department's changing program needs.

APPENDICES



Office of the Commissioner

300 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-2150
Fax: 502-564-4245
www.dep.ky.gov

Division for Air Quality

200 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-3999
Fax: 502-564-4666
www.air.ky.gov

Division of Environmental Program Support

300 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-2150
Fax: 502-564-4245
www.dep.ky.gov/deps

Division of Compliance Assistance

300 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-0323
Fax: 502-564-9720
www.dca.ky.gov

Environmental Services Branch

100 Sower Boulevard
Suite 104
Frankfort, KY 40601
Phone: 502-564-6120
Fax: 502-564-8930
www.dep.ky.gov/deps

Division of Enforcement

300 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-2150
Fax: 502-564-9710
www.dep-enforcement.ky.gov

Division of Waste Management

200 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-6716
Fax: 502-564-4049
www.waste.ky.gov

Division of Water

200 Fair Oaks Lane
Frankfort, KY 40601
Phone: 502-564-3410
Fax: 502-564-0111
www.water.ky.gov